
REVIEW OF MANAGEMENT RULES FOR PARKS AND OPEN SPACES

1. SUMMARY

Following the August 2010 business day elected members in Oban Lorn & the Isles have indicated they wish to reinstate management rules for parks and open spaces.

2. RECOMMENDATIONS

- 2.1 Members consider the rules in Appendix 1 currently used by Angus Council, for which we have approval to adopt, as being particularly suitable to our service requirements.
- 2.2 Members note the byelaws and legislation currently in place to advise on behaviour, for example, legislation relating to dog fouling and existing byelaws regarding drinking in public places.
- 2.3 Members note the availability of supplementary voluntary schemes, mainly regarding responsible dog ownership, which could be promoted locally to support the aims of formal Management Rules .

3. BACKGROUND

- 3.1 Management rules have traditionally been in place to allow wardens, police and council officers to advise those using parks and open spaces on acceptable behaviour within these areas. Byelaws have been used to control drinking in public in specific problem areas but other issues have been dealt with either by advisory signage e.g. No Ball Games or existing relevant legislation, for example, dog fouling, littering and fly tipping.
- 3.2 Any guidance for use of open space and parks should take cognisance of the Argyll and Bute Council Open Space Strategy currently under preparation by Planning and Regulatory Services.

4. DETAILS

- 4.1 A report was presented, at all 4 area business days regarding the reintroduction of management rules in Parks and Open spaces owned by Argyll and Bute Council. The elected members in each area considered there was some merit in rules. Most were in favour and agreement that any rules must be concise and relevant. The copy of previous rules appended to the report was felt to be cumbersome and unnecessary particularly in light of current legislation covering such issues as dog fouling, littering, on street car parking and fly tipping.
- 4.2 It is felt the rules now presented in Appendix 1 address this in a clearer manner.

5. IMPLICATIONS

- 5.1 Policy : New rules or guidance to be introduced .
- 5.2 Financial : Resource to police any new prescriptive rules
- 5.3 Personnel: Resource to police any new prescriptive rules
- 5.4 Equalities Impact Assessment: None
- 5.5 Legal: Powers under the Local Authorities Scotland Act allow by Argyll and Bute Council to approve new rules .

For further information, please contact: Alison M McIlroy, Service Officer,
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SANDY MACTAGGART
EXECUTIVE DIRECTOR
January 2011

Appendix One

MANAGEMENT RULES PUBLIC PARKS, GARDENS & RECREATION GROUNDS

Angus Council in exercise of the powers conferred on it by Section 112 of the Civic Government (Scotland) Act 1982 ("the Act") has made the following Management Rules, which shall apply to all Public Parks, Gardens and Recreation Grounds, under its control.

An Authorised Officer of Angus Council may require someone whom they reasonably believe to have contravened/be contravening/appears about to contravene a rule, to leave a Park. Failure to leave is then an offence under Section 118 of the above Act with a penalty of up to £200 Persistent contravention or attempted contravention of these rules may lead to exclusion from these areas by means of an order under Section 117 of the Act.

A copy of these Rules may be obtained from the Council's Head of Law and Administration, Angus House, Forfar DD8 1AN

Definitions

"Authorised Officer" means an Angus Council employee working under the authority of the Director of Neighbourhood Services.

"Council" means Angus Council as constituted by the Local Government etc. (Scotland) Act 1994.

"Gardens" means all smaller garden areas and sites.

"Park" or a "part of a Park" means any of the above, for the purposes of these Rules.

"Public Parks" means all parks typically with a defined boundary.

"Recreation Grounds" means all playing fields and play areas.

1. Access

All persons

(a) Must enter and leave by the entrance and exit provided.

(b) Must leave at closing time or when requested to do so by an Authorised Officer.

An Authorised Officer may temporarily close a Park or part of a Park and will post notices clearly indicating that the area is closed and the reason for the temporary closure.

2. Use of Parks

No person may:-

(a) behave so as to cause nuisance or disturbance to other park users or in a manner that will interfere with the safety or enjoyment of others.

- (b) disregard any instruction whether displayed or given by an Authorised Officer.
- (c) play music on any device at a level to be heard beyond a person in close proximity.
- (d) post or display any posters or promotional material; paint, chalk or draw, on any part of the Park, etc.
- (e) sell or hire any articles or animal.
- (f) set off any fireworks or light fires.
- (g) collect money
- (h) carry or discharge a firearm or other instrument designed to propel missiles
- (i) interfere in any work, grass sowing or other planting, or remove any wild plant

All Persons

- (j) Must pre-book pitches at the current charges for organised football matches.
- (k) Must obtain and retain for inspection by and Authorised Officer, the appropriate ticket prior to using a recreation facility
- (l) Must act responsibly with regard to others and younger users when using play equipment, paddling pools and other recreation facilities provided for children under the age of 16.
- (m) Must not engage in or practice golf or any other type of sport, except on ground set aside specifically for the purpose.
- (n) Must not in any loch, pond or water course within a Park, swim, sail or use any type of boat or craft, fish with any type of tackle or deposit any type of material or liquid which will create pollution and disturbance.
- (o) Must either remove their litter from the area or deposit in any provided litter bin.

3. Animals

No Person may:

- (a) Bring any animal, other than a dog under proper control, into any park
- (b) Allow a dog in their care to foul without immediately uplifting the fouling for disposal in a bin.
- (c) Take a dog into a part of a Park where dogs are specifically prohibited.
- (d) wilfully or negligently, disturb, harm or displace any animal, bird, nest or habitat.

4. Vehicles and other Wheeled Vehicles

Persons:

- (a) Must not bring or drive any motor vehicle including go-karts, quad bikes or any other wind, electrical or mechanically propelled vehicle to include radio controlled craft or apparatus; motorhome, including associated caravans or trailers into a Park without the prior consent of Angus Council.
- (b) Must at all times, where vehicles are allowed into a park, drive at no more than 10mph. Parking or passing on the grass is not permitted.
- (c) Must, if riding a bicycle, keep to the carriageways and tracks taking particular care when approaching other users of the area.
- (d) Must not, within a Park or associated designated parking areas, stay overnight or allow a vehicle to remain parked overnight.

5. Outdoor Facilities

Persons:

- (a) Must, when using facilities such as open shelters, seating, picnic units, use these facilities responsibly.

6. Park Lets

Within a Park

- (a) All organised events must be authorised by the Council and shall be subject to completion of the Council's Safe Event Pack.
- (b) No one may hold any public meetings, gatherings, promotions or performances without written authorisation by the Council.
- (c) For the purpose of giving instruction in sport or other activity, authorisation must be obtained in advance from the Council.